



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित

26 OCT 1973

PUBLISHED BY AUTHORITY

P. 100

सं० 42]

नई दिल्ली, शनिवार, अक्टूबर 20, 1973/आश्विन 28, 1895

No. 42

NEW DELHI, SATURDAY, OCTOBER 20, 1973/ASVINA 28, 1895

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)

केंद्रीय प्राधिकारियों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएँ

Statutory orders and notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administration of Union Territories)

मंत्रीमण्डल सचिवालय

(कार्मिक और प्रशासनिक सुधार विभाग)

नई दिल्ली, 4 अक्टूबर, 1973

का. आ. 2998.—दण्ड प्रक्रिया संहिता, 1898 (1898 का 5) की धारा 492 की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एतद्वारा केंद्रीय अन्वेषण ब्यूरो के मामले नं. 2/71-एस. आई. यू. में मूल, अपील और पुनरीक्षण न्यायालयों में अभियुक्त के अभियोजन का संचालन करने के हेतु श्री बी. पी. रमन अधिवक्ता को लोक-अभियोजक नियुक्त करती है।

[संख्या 225/66/73-ए वी डी 2]

एस. कांशीपाईकरन, उप-सचिव

CABINET SECRETARIAT

(Department of Personnel & Administrative Reforms)

New Delhi, the 4th October, 1973

S.O. 2998.—In exercise of the powers conferred by sub-section (1) of Section 492 of the Code of Criminal Proce-

dure, 1898 (5 of 1898), the Central Government hereby appoints Shri V. P. Raman, Advocate, Madras, as a Public Prosecutor for conducting the prosecution of the accused, in cases RC. No. 2/71/SIU in the original, appellate and revisional courts.

[No. 225/66/73-AVD. II]

S. KASIPANDIAN, Dy. Secy

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 24 सितम्बर, 1973

का. आ. 2999.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 240-हाउदनगर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अजय कृष्णा, ग्राम रसनपुर, डाकघर डिण्डर, थाना हसपुरा जिला गया (बिहार), लोक प्रतिनिधित्व अधिनियम, 1951 तथा सद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री अजय कृष्णा को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और हाने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है ।

[सं. बिहार-वि. स. 240/72(28)]

ए. एन. सैन, सचिव

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 24th September, 1973

S.O. 2999.—Whereas the Election Commission is satisfied that Shri Ajoy Krishna, Village Ratanpur, P.O. Dindir, P.S. Haspura, Gaya who was a contesting candidate for election to the Bihar Legislative Assembly from 240-Daudnagar constituency held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ajoy Krishna to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/240/72(28)]

A. N. SEN, Secy.

बिस्त मंचालय

(राजस्व और बीमा विभाग)

नई दिल्ली, 5 सितम्बर, 1973

आय-कर

का. आ. 3000.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री राम चन्द्र प्रसाद को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर वसूली अधिकारियों की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती हैं ।

2. अधिसूचना सं. 345 (फा. सं. 404/52/आई टी सी सी) तारीख 10 दिसम्बर, 1971 में की गई श्री डी. चरण की नियुक्ति 5 सितम्बर, 1973 से रद्द की जाती है ।

3. यह अधिसूचना 5 सितम्बर, 1973 से प्रवृत्त होगी ।

[सं. 460 (फा. सं. 404/2/73-आई टी सी सी)]

MINISTRY OF FINANCE (Department of Revenue & Insurance)

New Delhi, the 5th September, 1973

INCOME TAX

S.O. 3000.—In exercise of the powers conferred by sub-clause (iii) of Clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby authorises Shri Ram Chandra Prasad, who is a Gazetted Officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act.

2. The appointment of Shri D. Charan made in Notification No. 345 (F. No. 404/52/71-ITCC) dated 10th December, 1971 is cancelled with effect from 5th September, 1973.

3. This notification shall come into force with effect from 5th September, 1973.

[No. 460 (F. No. 404/2/73-ITCC)]

नई दिल्ली, 10 सितम्बर, 1973

का. आ. 3001.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, सर्वश्री वी. एन. नरगुण्डकर, डी. एस. प्रभु, जी. क. भावे, यू. जी. तहिलियानी, पी. जे. कुण्डनानी, एम. एस. नेवरेकर, एस. आर. बिजानी, एम. पी. गोपालकृष्णन्, बी. कृष्णमूर्ति, एम. के. कुलकर्णी, ए. राधाकृष्णन् और एन. डी. कोटस्थानी को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर-वसूली अधिकारियों की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती हैं ।

2. यह अधिसूचना तुरन्त प्रवृत्त होगी ।

[सं. 464 (फा. सं. 404/15/73-आई टी सी सी)]

New Delhi, the 10th September, 1973

S.O. 3001.—In exercise of the powers conferred by sub-clause (iii) of Clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises S/Shri V. N. Nargundkar, D. S. Prabhu, G. K. Bhawe, U. G. Tahiliani, V. J. Kundnani, M. S. Nevrekar, S. R. Bijani, M. P. Gopalakrishnan, V. Krishnamurthy, M. K. Kulkarni, A. Radhakrishnan and N. D. Kotasthane who are Gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with immediate effect.

[No. 464 (F. No. 404/15/73-ITCC)]

का. आ. 3002.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार सर्वश्री ए. सुन्दरम्, आर. शेषागिरि राव और टी. शम्भुधर को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर-वसूली अधिकारियों की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती हैं ।

2. यह अधिसूचना 17 सितम्बर, 1973 से प्रवृत्त होगी ।

[सं. 469 (फा. सं. 404/138/73-आई टी सी सी)]

S.O. 3002.—In exercise of the powers conferred by sub-clause (iii) of Clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Sarvashri A. Sundaram, R. K. Seshagiri Rao and T. Shanmugham, who are Gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with effect from the 17th September, 1973.

[No. 469 (F. No. 404/138/73-ITCC)]

का. आ. 3003.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार सर्वश्री एम. पी. अग्रवाल और आर. सी. निगम को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर-वसूली अधिकारियों की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती हैं।

2. यह अधिसूचना 11 सितम्बर, 1973 को प्रवृत्त होगी।

[सं. 466 (फा. सं. 404/130/73-आई टी सी सी)]

S.O. 3003.—In exercise of the powers conferred by sub-clause (iii) of Clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises S/Shri M. P. Aggarwal and R. C. Nigam who are Gazetted Officers of the Central Government to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with effect from 11th September, 1973.

[No. 466 (F. No. 404/130/173-ITCC)]

का. आ. 3004.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 138 की उपधारा (1) के खण्ड (क) के उप-खण्ड (2) के अनुसरण में केन्द्रीय सरकार बिहार लोकायुक्त (द्वितीय) अध्यादेश, 1973 के अधीन लोकायुक्त को उस उप-खण्ड के प्रयोजनों के लिए विनिर्दिष्ट करती हैं।

[सं. 408 (फा. सं. 403/52/73-आई टी सी सी)]

एम. एन. नम्बियार, अवर सचिव

S.O. 3004.—In pursuance of sub-clause (ii) of Clause (a) of sub-section (1) of Section 138 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies the Lokayukta appointed under the Bihar Lokayukta (Second) Ordinance, 1973 for the purposes of that sub-clause.

[No. 468 (F. No. 403/52/73-ITCC)]

M. N. NAMBIAR, Under Secy.

नई दिल्ली, 20 अक्टूबर, 1973

स्टाम्प

का. आ. 3005.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उस शुल्क से जो उक्त अधिनियम के अधीन महाराष्ट्र आवास बोर्ड, मुम्बई द्वारा जारी किए गए एक करोड़ रुपये के डिबेंचरों पर प्रभार्य हैं, छूट देती हैं।

[सं. 29/73-स्टाम्प/फा. सं. 471/55/73-सीमा. 7]

New Delhi, the 20th October, 1973

STAMPS

S.O. 3005.—In exercise of the powers conferred by Clause (a) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the debentures to the value of one crore of rupees, to be issued by the Maharashtra Housing Board, Bombay are chargeable under the said Act.

[No. 29/73-Stamp/F. No. 471/55/73-Cus. VII]

का. आ. 3006.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उस शुल्क से, जो उक्त अधिनियम के अधीन हरियाणा विस्तीय निगम द्वारा जारी किए गए ब्यासी लाख और पचास हजार रुपये के बन्ध-पत्रों पर प्रभार्य हैं, छूट देती हैं।

[सं. 30/73-स्टाम्प/फा. सं. 471/56/73-सीमा. 7]

ज. रामकृष्णन, अवर सचिव

S.O. 3006.—In exercise of the powers conferred by Clause (a) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds to the value of eighty-two lakhs fifty thousands of rupees, to be issued by the Haryana Financial Corporation, are chargeable under the said Act.

[No. 30/73-Stamp/F. No. 471/56/73-Cus. VII]

J. RAMAKRISHNAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 1st October, 1973

CORRIGENDUM

S.O. 3007.—In the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.O. 432(E) dated the 10th August, 1973, published on pages 1279-1280 of the Gazette of India Extraordinary, Part II—Section 3—Sub-section (ii) dated the 11th August, 1963—

(i) against "Twenty Rupees" and "Ten Rupees" under the heading "Metal Composition" for the word "Quarternary" read "Quaternary".

(ii) against "Reverse" of "20 Rupees" under the heading "Designs" for the word "coin sisting" read "consisting".

[No. F. 1/51/72-Coin]

S. L. DUTT, Under Secy.

वाणिज्य मंत्रालय

(आन्तरिक व्यापार विभाग)

नई दिल्ली, 9 अक्टूबर, 1973

का. आ. 3008.—अग्रिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 9 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सेंट्रल इण्डिया काटन एसोसिएशन लिमिटेड, उज्जैन के संगम-अनुच्छेदों में किए गए और केन्द्रीय सरकार द्वारा अनुमोदित निम्नीलिखित संशोधन, उक्त धारा की उप-धारा (2) के अधीन यथा अपेक्षित रूप में प्रकाशित किए जाते हैं, अर्थात्—

संशोधन

1. अनुच्छेद 3 में, खण्ड 3 के स्थान पर, निम्नीलिखित रखा जाएगा, अर्थात्:—

वह व्यक्ति, जो संगम का सदस्य बनने के लिए इस प्रयोजन के लिए विहित प्ररूप में आवेदन करता है और

उन वस्तुओं में, जिनके लिए संगम का मान्यता दी गई है या उन्हें राजस्वीकृत किया गया है, अन्तरणीय विनिर्दिष्ट परिधान संविदाओं में अनन्य रूप से व्यापार करने के लिए समय समय पर प्रवृत्त संगम के अनुच्छेदों, उपविधियों, नियमों और विनियमों द्वारा आवद्ध होने के लिए करार करता है, आवेदन करने के समय संगम का निम्नलिखित रकम का संदाय करेगी।

प्रवेश फीस	250-00 रु.
वार्षिक चन्दा	150-00 रु.
निक्षेप	500-00 रु.

बोर्ड द्वारा उसके आवेदन के मंजूर किए जाने पर, वह, संगम की आस्तियों में निहित हित रखे बिना उस का सहयुक्त सदस्य बन जाएगा। परन्तु सहयुक्त सदस्य उन विभिन्न समितियों में सम्मिलित किए जाने के लिए हकदार होगा जो, अन्तरणीय विनिर्दिष्ट परिधान संविदाओं में व्यापार करने के बारे में नीतियां बनाने के लिए संगम के अनुच्छेदों और उसकी उपविधियों के अधीन समय-समय पर नियुक्त की जाएं।

2. अनुच्छेद 3 क (1) में :

(क) पहले वाक्य में "निम्नलिखित" और "पैनल" शब्दों के बीच आने वाले "तीन" शब्द के स्थान पर "चार" शब्द रखा जाएगा।

(ख) विद्यमान पैनल सं. (3) के पश्चात् निम्नलिखित पैनल

सं. (4) जोड़ा जाएगा, अर्थात्:—

"(4) सहयुक्त सदस्यों का पैनल (1)"

3. अनुच्छेद 46 में, खण्ड (ख) के स्थान पर निम्नलिखित खण्ड रखा जाएगा अर्थात् :—

"(ख) ऊपर के 10 निर्वाचित निदेशकों में से :—

(1) दो से अनाधिक निदेशक विनिर्माताओं के पैनल में से और उसके सदस्यों या उनके प्राधिकृत प्रतिनिधियों द्वारा निर्वाचित किए जाएंगे,

(2) दो से अनाधिक निदेशक उपस्थित व्यापारियों के पैनल में से और उसके सदस्यों या उनके प्राधिकृत प्रतिनिधियों द्वारा निर्वाचित किए जाएंगे,

(3) दो से अनाधिक निदेशक दलालों और अन्य व्यक्तियों के पैनल में से और उसके सदस्य या उनके प्राधिकृत प्रतिनिधियों द्वारा निर्वाचित किए जाएंगे, और

(4) चार से अनाधिक निदेशक सहयुक्त सदस्यों के पैनल में से और उनके सदस्यों या उनके प्राधिकृत प्रतिनिधियों द्वारा निर्वाचित किए जाएंगे परन्तु यह तब जब कि पैनल में सहयुक्त सदस्यों की संख्या 20 हो। उस दशा में जब सदस्यों की संख्या 20 से कम हो बोर्ड में प्रतिनिधित्व

के लिए निम्नलिखित मापमान का अनुपालन किया जाएगा:—

सदस्यों की संख्या	निर्वाचित किए जाने वाले निदेशक
5 तक	एक
6 से 10 तक	दो
11 से 15 तक	तीन
16 से 20 तक या	चार
20 से अधिक	

[फा. सं. 13 (15)-आई टी/73]

यू. एस. राणा, संयुक्त निदेशक

MINISTRY OF COMMERCE (Department of Internal Trade)

New Delhi, the 9th October, 1973

S.O. 3008.—The following amendments made to the Articles of Association of the Central India Cotton Association Limited, Ujjain, in exercise of the powers conferred on it by sub-section (1) of section 9A of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) and approved by the Central Government are hereby published, as required under sub-section (2) of that section, namely:—

AMENDMENTS

1. In Article 3, for Clause 3, the following shall be substituted namely:—

"Any person, who applies for the membership of the Association in the form prescribed for the purpose, agreeing to be bound by the Articles, Bye-laws, Rules and Regulations of the Association, as may be in force from time to time, for trading **exclusively** in non-transferable specific delivery contracts in the commodities for which the Association is recognised or registered, shall pay to the Association, at the time of making the application the following amounts :

Admission fees	: Rs. 250.00
Annual subscription	: Rs. 150.00
Deposit	: Rs. 500.00

On the acceptance of his application by the Board, he shall become **Associate Member** of the Association, with no vested interest in the assets of the Association. Provided that an Associate Member shall be entitled to be included in the various committees that may be appointed from time to time under the Articles and the Bye-laws of the Association to formulate policies in regard to trading in non-transferable specific delivery contracts.

II. In Article 3A (1) :

(a) The word "four" shall be substituted for the word "three" appearing in the first sentence between the words "following" and "panels".

(b) The following panel No. "(iv)" be added after the existing panel No. "(iii)" namely:—

"(iv) Panel of Associate Members".

III. In Articles 46, for Clause (b), the following Clause shall be substituted, namely:—

"(b) of the above 10 elected directors:—

(i) not more than two directors shall be elected from among and by members or their authorised representatives belonging to the manufacturers' Panel;

- (ii) not more than two directors shall be elected from among and by members or their authorised representatives belonging to the Spot Traders Panel ;
- (iii) not more than two directors shall be elected from among and by members or their authorised representatives belonging to the Brokers' and Others' Panel ; and
- (iv) Not more than four directors shall be elected from representatives belonging to the Associate Members, among and by members or their authorised representatives belonging to the Panel Provided there are 20 associate members in the panel. In case there are less than 20 members, following scale of representation on the Board shall be observed :—

No. of Members	Directors to be elected
upto 5	One
6 to 10	Two
11 to 15	Three
16 to 20 or more than 20	Four

[F. No. 13(15)-IT/73.]

U. S. RANA, Jt. Director

(मुख्य निबंधक, आयात-निर्वाह का कार्यालय)

आदेश

नई दिल्ली, 22 सितम्बर, 1973

का. आ. 3009.—अधीक्षक-अभियन्ता, विद्युत निर्माण सर्किल सं 1, श्रीनगर का पी एल सीसी उपकरण के विनिर्माण के लिए 132 वोल्ट वॉल्टेज कपलिंग कैपेसिटर्स और हाई फ्रिक्वेंसी कैबल के आयात के लिए एक लाइसेंस संख्या, जी./ए./1058804, दिनांक 20-1-73 प्रदान किया गया था। अधीक्षक अभियन्ता विद्युत-निर्माण सर्किल सं. 1, श्रीनगर ने सूचना दी है कि लाइसेंस की मूला विनियमन नियंत्रण प्रति अस्मानग्न हो गई और इसकी अनुलिपि जारी करने के लिए उसने आवेदन किया है।

अपने सर्कल के समर्थन में आवेदक ने एक शपथपत्र दाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि लाइसेंस की मूला-विनियमन नियंत्रण प्रति खो गई है और निदेश देता है कि लाइसेंस की उक्त मूला विनियमन नियंत्रण प्रति की अनुलिपि जारी की जाए।

लाइसेंस की मूल मूला विनियमन नियंत्रण प्रति रद्द कर दी गई है। इसकी अनुलिपि प्रति अलग से जारी की जा रही है।

[सं. 3/एस जी/293/72-73/पी एल एस बी/609]

सरदूल सिंह, उप-मुख्य निबंधक,
कृते मुख्य निबंधक

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 22nd September, 1973

S.O. 3009.—The Superintending Engineer Electrical Construction Circle No. 1, Srinagar was granted licence No. G/A/1058804 dated 20-1-73 for import of 132 KV coupling capacitors and high frequency cable for manufacture of PLCC equipment. The Suptdg. Engineer Electricity Construction Circle No. 1, Srinagar has reported that exchange control copy of the licence has been misplaced and he has requested to issue duplicate copy of the same.

In support of their contention the applicant has filed an affidavit. The undersigned is satisfied that the exchange control copy of the licence has been lost and directs that the duplicate copy of the said exchange control copy of the licence be issued.

The original exchange control copy of the licence has been cancelled. A duplicate copy of the same is being issued, separately.

[No. 3/SG/298/72-73/PLS/B/609]

SARDUL SINGH,

Dy. Chief Controller, For Chief Controller.

(संयुक्त मुख्य निबंधक, आयात निर्वाह का कार्यालय)

आदेश

बम्बई, 31 मार्च, 1973

का. आ. 3010.—सर्वश्री भट्ट मेटल वर्किंग, नीयर ताजमहल टाकीज उसमानाबाद का निम्नलिखित शर्तों के अधीन स्टैंड लेंगथ में 5 एमएम से कम मोटाई वाली बी. पीसीटीएस तथा कोल्ड रोल्ड के आयात के लिए दो लाइसेंस सं. पी/एस/8231048/सी/एक्स एक्स/42/बी/33-34 तथा पी/एस/8231049/आर/एम एल/बी/33-34 दोनों का दिनांक 28-3-1972 है और प्रत्येक का मूल्य 5,000 रु. है जारी किए गए थे :—

“ये लाइसेंस इस शर्त के अधीन जारी किए जाते हैं कि इन के अन्तर्गत आयातित माल की सभी गवर्न का उपयोग लाइसेंस धारी के कारखाने में जिसका पता आवेदन पत्र में दिया गया है और जिस के मद्दे लाइसेंस जारी किया गया है उपयोग किया जाएगा या अन्य विनिर्माणकर्ता एक के कारखाने में संशोधित किया जा सकता है किन्तु इसके किसी भी भाग को अन्य किसी पार्टी को बेचा नहीं जाएगा या उपयोग नहीं किया जाएगा अथवा अन्य किसी भी रूप में प्रयोग करने की अनुमति नहीं दी जाएगी। लेकिन, अन्य किसी के कारखानों में संशोधित किए गए ऐसे माल का प्रयोग लाइसेंसधारी द्वारा लिए गए निर्माण प्रक्रिया प्रयोजन के लिए ही किया जाएगा। लाइसेंस धारी लाइसेंस के मद्दे आयातित माल के उपभोग और उपयोग का निर्धारित विधि अनुसार उपयुक्त लेखा रखेगा और ऐसे लेखों के लाइसेंस प्राधिकारी, प्रयोजक प्राधिकारी या अन्य किसी संबंधित प्राधिकारी को उनके द्वारा निर्धारित समय के भीतर हो प्रस्तुत करेगा।”

2. तत्पश्चात् उन्हें एक कारण बताओ सूचना संख्या 1/111/72/आई एंड एस/इन्फ दिनांक 11-1-1973 यह पूछते हुए जारी की गई थी कि 15 दिनों के भीतर कारण बताएं कि उनके नाम में जारी किए गए उपर्युक्त लाइसेंसों का धारा 9 उप-धारा (सी सी) के अनुसार क्यों न रद्द कर दिया जाना चाहिए और इन्हें इस आधार पर कि लाइसेंस जिस उद्देश्य की पूर्ति के लिए जारी किए गए थे वे पूरा नहीं करेंगे।

3. उपर्युक्त कारण बताओ सूचना के प्रति अभी तक का उत्तर प्राप्त नहीं हुआ है। इस लिए, यह अंदाजा लगाया गया है कि उन्हें इस बारे में कुछ नहीं कहना है अतः उपलब्ध जानकारी (साक्ष्य/दस्तावेज) के आधार पर एक तरफा निर्णय ले लिया गया है।

4. अधोहस्ताक्षरी ने मामले की भलीभांति जांच कर ली है और इस परिणाम पर पहुंचा है कि लाइसेंस जिस उद्देश्य की पूर्ति के लिए जारी किए गए हैं वे उसे पूरा नहीं करेंगे।

5. पूर्व की कठिनाई में जो बताया गया है उसे ध्यान में रखते हुए अधोहस्ताक्षरी संतुष्ट है कि विषयाधीन लाइसेंस रद्द अथवा अन्यथा रूप से प्रभावित किए जाने चाहिए।

6. इसीलिए अधोहस्ताक्षरी, आयात (नियंत्रण) आदेश, 1955 की धारा 9 उपधारा (सीसी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर लाइसेंस संख्या: (1) पी/एस/8231048/सी/एक्सएक्स/42/बी/33-34 तथा (2) पी/एस/8231049/आर/एमएल/42/बी/33-34, दोनों का दिनांक 28-3-1972 है और प्रत्येक का मूल्य, 5,000 रु. है एतद्द्वारा रद्द करता है।

[संख्या. 1/111/72/आईएंडएस/इन्फ/464]

एन. बनर्जी, उप-मुख्य निबंधक

(Office of the Joint Chief Controller of Imports & Exports)

ORDER

Bombay, the 31st March, 1973

S.O. 3010.—Two licences Nos. P/S/8231043/C/XX/42/B/30-34 and P/S/8231049/R/ML/42/B/33-34 both dated 28-3-1972 of the value of Rs. 5,000 each for import of B. P. Sheets-Hot & Cold Rolled Below 5 mm in thickness in straight length were issued to M/s. Bhat Metal Works, Near Taj Mahal Talkies, Osmanabad subject to the conditions as under :—

"this licence is issued subject to the condition that all items of goods imported under it, shall be used only in the licence holder's factory at the address shown in the application against which the licence is issued ; and for the purpose for which the licence is issued or may be processed in the factory of another manufacturing unit, but no portion thereof shall be sold to any other party or utilised or permitted to be utilised in any other manner. The goods so processed in another factory shall however, be utilised in the manufacturing process undertaken by the licensee. The licensee shall maintain a proper account of consumption and utilisation of the goods imported against the licence in the prescribed manner and produce such account to the sponsoring authority or any other concerned authority within such time as may be specified by such authority"

2. Thereafter, a show cause notice No. 1/111/72/I&S/Enf/dated 11-1-1973 was issued asking them to show cause within 15 days as to why the said licences in their favour should not be cancelled on the ground that the licences will not serve the purpose for which they have been issued in terms of Clause 9, sub-clause (cc).

3. No reply to the aforesaid show cause notice has been received so far. It is, therefore, presumed that they have nothing to say and hence the matter has been decided ex-parte on the basis of available information (evidence/documents).

4. The undersigned has carefully examined and has come to the conclusion that the import licences will not serve the purpose for which they have been issued

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-Clause (cc) of the imports (Control) Order, 1955 hereby cancel the licences Nos. P/S/8231048/C/XX/42/B/33-34 and (2) P/S/8231049/R/ML/42/b/33-34 both dated 28th March, 1972 for Rs. 5,000 each issued favour of M/s. Bhat Metal Works, Near Taj Mahal Talkies, Osmanabad.

[No. 1/111/72/I&S/Enf/464]

N. BANERJI, Dy. Chief Controller

इस्पात और खान मंत्रालय

(खान विभाग)

नई दिल्ली, 21 सितम्बर, 1973

शुद्धि-पत्र

का. आ. 3011.—भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (2), तारीख 26 मई, 1973 में प्रकाशित भारत सरकार के इस्पात और खान मंत्रालय (खान विभाग) की अधिसूचना संख्या का. आ. 1597, तारीख 14 मई, 1973 में दूसरे कालम की 33 वीं पंक्ति में प्लॉट संख्या "105 (पी)" के स्थान पर प्लॉट संख्या "165" पढ़ा जाए।

[सं. 25/6/72-क्रयला-5.]

ए. एस. देशपाण्डे, अवर सचिव

MINISTRY OF STEEL & MINES

(Department of Mines)

New Delhi, the 25th September, 1973

ERRATA

S.O.3012.—In the notification of the Government of India in the Ministry of Steel and Mines, (Department of Mines) No. S.O. 812 dated the 7th March, 1973 published at page 1156 in part II, Section 3, Sub-section (ii) of the Gazette of India dated the 17th March, 1973,

at page—1156

(i) in line 12 for "Collector, Singrauli (Uttar Pradesh)" read "Collector, Mirzapur (Uttar Pradesh)"

(ii) in line 37 for "9. Harsh" read "9. Harha"

(iii) in line 56 for "long part Common boundary of village Rani Bari" read "along part Common boundary of village Rani Bari"

[No. C3-2(3)/70-C5.]

A. S. DESHPANDE, Under Secy.

स्वास्थ्य और परिवार नियोजन मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 25 सितम्बर, 1973

का. आ. 3013.—संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति एतद्वारा भारत के राजपत्र में प्रकाशित स्वास्थ्य मंत्रालय की विनांक 3 जुलाई, 1965 की अधिसूचना संख्या एफ. 3-86/62 संस्था (एम. ए.) में केंद्रीय अनुसंधान संस्थान, कसौली (श्रेणी तीन तथा श्रेणी चार के पद) भर्ती नियमावली, 1965 का आगे और संशोधित करने के लिए निम्नीलिखित नियम बनाते हैं, नामतः—

1. संक्षिप्त शीर्षक और प्रारम्भ :—(1) ये नियम केंद्रीय अनुसंधान संस्थान, कसौली (श्रेणी तीन तथा श्रेणी चार के पद) भर्ती (संशोधन) नियमावली, 1973 कहें जाएं।

(2) ये सरकारी राजपत्र में प्रकाशित होने की तिथि से लागू होंगे।

2. अनुसूची का संशोधन :—केंद्रीय अनुसंधान संस्थान, कसौली (श्रेणी तीन तथा श्रेणी चार के पद) भर्ती नियमावली 1965 की अनुसूची में क्रम संख्या 8 के सामने निम्न श्रेणी लिपिक के पदों से संबंधित प्रविष्टि में "18 से 21 वर्ष" के स्थान पर प्रविष्टि "18 से 25 वर्ष" प्रतिस्थापित की जाएगी।

[सं. ए. 12025(4)/2/73 एम. सी.]

नरेन्द्र सिंह भाटिया, अवर सचिव

MINISTRY OF HEALTH & FAMILY PLANNING

(Department of Health)

New Delhi, the 25th September, 1973

S.O. 3013.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Central Research Institute, Kasauli (Class III and Class IV posts) Recruitment Rules, 1965, published with the notification of the Government of India in the Ministry of Health No. F. 3-86/62-Instt. (MA) dated the 3rd July, 1965 namely :—

1. Short title and commencement.—(1) These rules may be called the Central Research Institute, Kasauli (Class III and Class IV posts) Recruitment (Amendment) Rules, 1973

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Amendment of the Schedule.**—In the Schedule to the Central Research Institute, Kasauli (Class III and Class IV posts) Recruitment Rules, 1965, against serial number 8 relating to the post of Lower Division Clerks, in column 8, for the entry "18 to 21 years" the entry "18 to 25 years" shall be substituted.

[No. A. 12025(IV)-2/73-MC]

N. S. BHATIA, Under Secy

पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली, 9 अक्टूबर, 1973

क्र. आ. 3014.—अंतराष्ट्रीय विमानपत्तन प्राधिकारी अधिनियम 1971 (1971 का 43) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार एतद्वारा एयर मार्शल बाई. वी. मालसे, वाइस चीफ एयर स्टाफ, वायु सेना मुख्यालय, नई दिल्ली, को 29-9-1973 से श्री बी. इसरानी के स्थान पर भारत अंतराष्ट्रीय विमानपत्तन प्राधिकारी का अध्यक्ष नियुक्त करती है।

इस मंत्रालय के क्रमांक ए. वी. 24012/1/73-ए. ए., दिनांक 29 सितम्बर, 1973 द्वारा जारी की गई अधिसूचना को एतद्वारा रद्द किया जाता है।

[सं. ए. वी. 24012/1/73-ए. ए.]

सी. एल. डींगरा, उप-सचिव

MINISTRY OF TOURISM & CIVIL AVIATION

New Delhi, the 9th October, 1973

S.O. 3014.—In exercise of the powers conferred by Section 3 of the International Airports Authority Act 1971 (43 of 1971) the Central Government hereby appoints Air Marshal

Y. V. Malse, Vice Chief of the Air Staff, Air Headquarters, New Delhi as Chairman of the International Airports Authority of India with effect from 29-9-1973 Vice Shri B. Israni.

The notification issued under this Ministry's No. AV-24012/1/73-AA dated the 29th September, 1973 is hereby cancelled.

[No. AV-2412/1/73-AA]

C. L. DHINGRA, Dy. Secy.

संचार मंत्रालय

(डाक-तार बोर्ड)

नई दिल्ली, 11 अक्टूबर, 1973

क्र. आ. 3015.—स्थायी आदेश संख्या 627,, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खण्ड 3 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने कारायकल टेलीफोन केंद्र में दिनांक 1-11-73 से प्रमाणित तार प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-18/73 पी. एच. बी.]

पी. सी. गुप्ता, सहायक महानिदेशक (पी. एच. बी.)

MINISTRY OF COMMUNICATIONS (P & T Board)

New Delhi, the 11th October, 1973

S.O. 3015.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by

S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-11-73 as the date on which the Measured Rate System will be introduced in Kuraikal Telephone Exchange, Tamil Nadu Circle.

[No. 5-18/73-PHB]

P. C. GUPTA, Asstt. Director General (PHB)

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour & Employment)

New Delhi, the 11th September, 1973

S.O. 3016.—In pursuance of section 17 of Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri R. J.T.D'Mello, Arbitrator and Chief Labour Commissioner (Central), New Delhi, in the industrial dispute between the Coal Mines Authority Limited, Management of Madhujore Colliery and the Colliery Mazdoor Union (INTUC), Asansol, which was received by the Central Government on the 1st October, 1973.

IN THE MATTER OF ARBITRATION UNDER SECTION 10-A OF THE INDUSTRIAL DISPUTES ACT 1947 IN THE INDUSTRIAL DISPUTE BETWEEN THE COAL MINES AUTHORITY LIMITED, MANAGEMENT OF MADHUJORE COLLIERY AND THE COLLIERY MAZDOOR UNION (INTUC) ASANSOL REGARDING ALLEGED ILLEGAL DISMISSAL OF SHRI RAMNATH SINGH AND TEN OTHERS WITH EFFECT FROM 10-4-71

Present :

Shri R. J. T. D'Mello, Arbitrator & Chief Labour Commissioner (Central) New Delhi.

Representing the Management—Shri P. N. Chaturvedi, Group Personnel Officer, Kajora Group, Coal Mines Authority Limited.

Representing the Workmen—(1) Shri S. Dasgupta, Secretary Indian National Mines Workers' Federation.

(2) Shri M. S. Roy, Joint General Secretary, Colliery Mazdoor Union (INTUC), Asansol.

Industry : Coal

State : West Bengal

No. Con. III/30(7)/72

Dated, the—, 1973

By a written agreement dated 19-7-72 the management of Madhujore Colliery of M/s. Madhujore Coal Company Private Limited, Post Office—Kajoragram, Dist. Burdwan and the Joint General Secretary, Colliery, Mazdoor Union (INTUC), Asansol referred the following specific matter in dispute to my arbitration under Section 10A of the Industrial Disputes Act, 1947 :—

"Whether the management of Madhujore Colliery of Messrs. Madhujore Coal Company Private Limited Post Office Kajoragram, District Burdwan was justified in dismissing from service the workmen named below with effect from 10-4-1971? If not, to what relief are the workmen concerned entitled?"

Name of the workmen	Designation
1. Shri Ramnath Singh	Loader
2. Shri Md. Siddique Mia	Loader
3. Shri Sankar Harijan	Loader
4. Shri Balli Harijan	Loader
5. Shri Shew Nath Kanu	Loader
6. Shri Ramchandra Rajbhar.	Surface Trammer.
7. Shri Tuffani Harijan.	Onsetter
8. Shri S. K. Hadish	Timber Mistry.
9. Shri Provakar Roy.	Mining Sirdar.
10. Shri Chabbi Yadav.	Machine Mazdoor.
11. Shri Ugarsen Singh	U. G. Trammer.

2. The parties further agreed that the decision of the Arbitrator shall be binding on them.

3. The said arbitration agreement of the parties was published vide the Government of India, Ministry of Labour & Rehabilitation No. 1/19025/27/72-I.R. II dated 26-8-72 in the Government of India Gazette as required under Section 10-A(3) of the Industrial Disputes Act, 1947. According to this agreement the Award is to be given within a period of 180 days or within such further time as might be extended by mutual agreement between the parties. The parties were called upon to file their written statements on the points in dispute. The management submitted their written statement dated 13-9-1972. On 19-9-1972 whereas the written statement dated 8-12-1972, on behalf of the workmen was received on 14-12-1972. Various dates for hearings were fixed by me but due to important official work, the dates so fixed had to be postponed. Meanwhile, the parties agreed to extend the time limit for giving the Award to 30-9-1973.

4. The parties were first heard at Asansol on 3-2-1973 when they requested for adjournment. They were finally heard on 2-9-73 during which Shri S. Dasgupta, Secretary of the Indian National Mines Workers' Federation and Shri M. S. Roy, Joint General Secretary of the Colliery Mazdoor Union (INTUC) represented the workmen concerned in this dispute. The management which is now the Coal Mines Authority Limited was represented by Shri P. N. Chaturvedi, Group Personnel Officer.

5. In addition to what they have mentioned in their written statements, the parties reiterated their respective contentions, citing a number of decisions of the Supreme Court of India, in support of their arguments, during the final hearing on 2-9-1973 at Asansol, as stated briefly hereunder:

Arguments on behalf of the workmen:

5.1. That, in the domestic enquiry the statements of the two assaulted persons, namely S/Shri Bhulan Singh and Manager Singh have only been taken out no other witnesses were brought forward by the management to corroborate their evidence. However, on behalf of the workers a number of witnesses were produced but ultimately the Enquiry Officer relied on the statements of the complaints and held the accused workmen guilty of the charges;

5.2. That, the management got certificates from a Doctor of the L. M. Hospital, Asansol to say that Bhulan Singh and Manager Singh received serious injuries on 8-1-71. These certificates were not proved in the course of the enquiry proceedings and were obtained with a view to file a complaint in the Court of Law and indeed a criminal case is pending in Durgapur Court;

5.3. That, of the two persons assaulted one was the Unit Supervisor of the C.R.O. camp in the colliery and the other was the C.R.O. office clerk and none of them was an employee of the colliery. They were, therefore, outsiders and the management had no right to hold enquiry in case of a private quarrel which took place in the colony of the workers, i.e. outside the colliery and outside the duty hours of the workmen;

5.4. Shri Dasgupta cited the Supreme Court's decision in the case of Agnani (W.M.) Vs. Badri Das & others (LLJ-1963-Vol. I—pp. 684—692), in the case between the Tata Oil Mill Company Ltd., and its workmen (LLJ-1964-Vol. II—pp. 113—119) and in the case between the Samungure Jute Factory Company Ltd., and its workmen (LLJ-1964-Vol. I—pp. 634—637) in support of his arguments;

5.5 That, there were certain inconsistencies in the statement of Shri Manager Singh (MW-1) and that of Shri Bhulan Singh (MW-2) regarding timings of the occurrence on 8th January, 1971;

5.6. That the workers' witnesses (W.Ms) have been cross-examined by the Enquiry Officer himself as if he was holding an Inquisition. He was, therefore, a biased person;

5.7. That, while the Enquiry Officer had totally disbelieved the alibi produced by the workmen he readily believed the statements of the management's witnesses though they were full of inconsistencies. Thus, the findings of the Enquiry Officer was perverse;

5.8. That the Enquiry Officer has admitted in his report that he had nothing to do as to who had assaulted whom and it was sufficient for him to know as to who formed the riotous assembly. This is a further proof that the Enquiry Officer was dealing with a criminal complaint as if sitting as Presiding Officer of a Court of Law; and

5.9. That, the charges against the workmen were not proved at all, the enquiry was not held properly and the Enquiry Officer was a biased person and was actuated with a motive of victimisation. The principles of natural justice were also not followed and from the materials placed before the Enquiry Officer, it was not proper for him to reach the conclusion which he arrived at and his findings are perverse. Therefore, the dismissal order which has been made on the basis of the said enquiry report is unjust and mala-fide.

6. Arguments on behalf of the Management.

6.1. That, of the 11 persons concerned in this dispute three workmen, namely, Bali Harijan, Chabbi Yadav and Ramchandra Rajbhar have been taken back in their respective jobs by the erstwhile management of Madhujore Colliery. Another workman, that is, Prabhakar Roy does not appear to be interested in the dispute and has sought employment with the N.C.D.C. long before the present management came into picture. Thus, this dispute concerns only 7 workmen now who were dismissed for their proven acts of misconduct, which is riotous behaviour and assault on Camp Supervisor of the C.R.O. unit and a clerk of the C.R.O. camp office, on 8-1-1971;

6.2. That, all opportunities to defend themselves and to cross-examine the management's witnesses were given to the accused workmen and who on the basis of the findings of the Enquiry Officer were served with the dismissal notices. The Colliery Mazdoor Union has itself admitted that it was not functioning in the colliery on the day of occurrence and this admission cuts at the root of the allegation of victimisation on account of Trade Union activities;

6.3. That, the stand taken by the workers in the joint reply to the charge sheet and that taken by them during the enquiry proceedings are contradictory;

6.4. That, the sincere efforts made by the Enquiry Officer to bring out the real facts to light have been misconstrued and misinterpreted as Inquisition. It will be seen from the enquiry proceedings and the report that Ugrasen Singh, Shew Nath Kanu and Tuffani Harijan have not been cross-examined by the Enquiry Officer. The alleged cross-examination was in fact to elicit information with a view to arrive at the facts. Again, Shri Dasgupta has meticulously avoided dealing with the apparent contradiction between the statement of the accused workmen given before the Enquiry Officer and their replies to the charge sheets. It was in this context that the Enquiry Officer had to put certain questions to the workmen to arrive at the truth and as such imputing any motive to the Enquiry Officer would not be just;

6.5. That, the Supreme Court decision in the case between Agnani (W.M.) Vs. Badri Das & others is irrelevant in the instant case and is not in favour of the accused. Similarly, the decision of the Supreme Court in the case between Samunagure Jute Factory Co. Ltd., and their workmen relates to money taking and dragging resulting in some private quarrel. The evidence in the case was found insufficient to support the management's case. It is to be noted that in the present case before the Arbitrator there is no element of private animosity. Again, the case law cited by the opposite party as decided by the Supreme Court in the case of Tata Oil Mill Co., and its workmen does not go in favour of the workmen as the Supreme Court has held that even the quarrel that took place outside the factory premises was covered by the misconduct as embodied in the certified standing orders of the establishment.

6.6. That, the argument of the opposite party that the two assaulted persons were not workmen is a delayed after-thought because this stand has neither been taken in course of the conciliation proceedings held by the A.I.C.(C), Ranigani nor it forms part of the submission of the union in their written statement or rejoinder.

6.7. That, the opposite party have tried to misconstrue and distort the statements of Bhulan Singh and Manager Singh and read them out of context. Two factors are to be kept in mind (1) that the enquiry proceedings are not proceedings before a criminal court and (2) the assaulted persons were not educated and well-versed to speak legal languages. The word "Sona" in colloquial terms in Hindi means 'lying down';

6.8. That, Sri Dasgupta has purposely avoided the cross-examination of Bhulan Singh Shew Nath Kanu wherein Bhulan Singh has said that Ramnath Singh and Ramdas Ahir had assaulted him and thereafter he was assaulted by others also when he was running towards the office;

6.9. That, the question of proving the certificates of the Doctor of the L. M. Hospital (Govt. Hospital) does not arise because the proof strictly in accordance with the Law of Evidence is not required during the domestic enquiry;

6.10. That, the learned opposition did not produce any evidence written or documentary to prove victimisation although the onus of proof lay on it as per the Supreme Court's decision in the case between Bharat Bank Ltd., Vs. Employees of Bharat Bank Ltd., Delhi, (I.L.J.—1950-pp. 940);

6.11. That, the three out of the 11 delinquents have been taken back on employment by the erstwhile owner and have nothing to do with the C.M.A., Ltd., which is the present owner. The policy of the C.M.A., Ltd., is not to promote violence by reinstating persons committed to violence, and

6.12. That, the enquiry being just and proper and held according to the principles of natural justice, the findings were not perverse and the dismissal was not a colourful exercise of powers or mala-fide. On the other hand, the dismissal was justified and no relief was called for.

7.1. An analysis of the foregoing arguments of both the parties will reveal that:

- (i) an incident took place on 8-1-1971 in Madhujore Colliery wherein two persons, namely Bhulan Singh, the C.R.O. units' Supervisor and Manager Singh, the C.R.O. office clerk were assaulted.
- (ii) The circumstances leading to the demonstration by a group workmen and the subsequent assault on the above mentioned two persons have not been disputed.
- (iii) on 19-2-1970, the management and the Colliery Mazdoor Sabha of India (CITU), recognised by the management, entered into a mutual settlement to the effect that the system of recruiting labour through C.R.O. would be stopped and the existing C.R.O. workers would be either absorbed as permanent workers if they opt for the same or else, would be repatriated.
- (iv) the workmen of the Colliery had no knowledge of the fact about the termination of the mutual agreement dated 19-2-1970 through a notice given by the management on 8-7-1970 which was addressed to the Colliery Mazdoor Sabha of India (CITU). It also appears that by that time, the Colliery Mazdoor Sabha of India (CITU) had completely lost its hold on the workmen and receded to the back ground. This could be inferred from the fact that (a) Shri Bhulan Singh, the CRO Unit's Supervisor himself has stated during enquiry that on the relevant date when some workers had been recruited, he apprehended some trouble and so he went to Dakshinkhand to see Muktar Singh the local Secretary of the union and (b) the remarks of the workmen that Sri Muktar Singh had no authority to agree for the new recruits.
- (v) On 8-1-1971 the workmen were still under the impression that the agreement dt. 19-2-1970 which terminated the system of recruitment through C.R.O., was still in force. That is why the workmen were

agitated when the new recruits through C.R.O. appeared all of a sudden on 8-1-1971 in the Colliery.

7.2. This is the background against which subsequent developments have to be viewed.

8.1. The management issued identical charge sheets to all the workmen concerned in this dispute; all of them except Provakar Roy gave a common reply, the latter giving a separate reply denying the charge but maintaining the stand taken by the other 10 workmen; a domestic enquiry was held and all of them were dismissed from services on the basis of the findings of the domestic enquiry. The arguments of both the parties, therefore, centred round the points to prove and disprove the complicity of these eleven workmen in the incident of assault on Bhulan Singh and Manager Singh and, whether or not there was any inconsistency and contradiction in the statements of the management's as well as workmen's witnesses AND whether there was any flaw in the domestic enquiry AND whether there was any justification or not for the dismissal of these workmen. Precisely, this is the term of reference and I will deal with it in subsequent paras.

8.2. Although the management's representative has not challenged the arbitration agreement, he tried to say that this is not an industrial dispute since the union has lost its hold among the workmen and hence it did not represent the collective interest of the workmen. Even assuming for arguments' sake that the union sponsoring the dispute has lost its hold in the colliery, it will make no difference if it takes up the case of the 11 workmen whose services were alleged to have been wrongfully terminated by the management, especially in view of Sec. 2-A of the I.D. Act, 1947.

8.3. I have already mentioned that I could not keep up the time-schedule due to pressure of important official work and consequently the parties extended the time limit for giving the Award on various occasions and the last was on 27-8-73. The CMA which took over the management and ownership of the Madhujore Colliery under the provisions of the Coal Mines (Nationalisation) Act, 1973, has signed the agreement on 4-6-73 extending the time limit for giving the award. The subsequent agreements extending the time limit were also signed by CMA Ltd. on 18-7-73 and 27-8-73. Therefore the authorities of CMA Ltd., who were fully aware of the existence of the Arbitration Agreement concerning the dispute over the dismissal of 11 workmen, and who were signatories to the extension of time limit for giving the award, are estopped from taking a different stand that the present dispute is not an industrial dispute.

8.4. I will now deal with the inconsistencies and contradictions as high lighted by both the parties in support of their respective contentions.

8.5. On going through the statements given before the Enquiry Officer on 12-2-71 it is seen that Bhulan Singh who was the Unit Supervisor and was stated to have been assaulted by the said workmen on 8-1-71 has not said that he was assaulted by these particular workmen. What he said was that the accused and many other workmen who had assembled before this office had assaulted one C.R.O. recruit who fled away later on. The statement of Bhulan Singh has been recorded in Hindi which has been signed by him. He appears to be a literate and educated person. He, therefore, cannot be said to have given a statement in a language not known to him. In his cross-examination by Shew Nath Kanu, Bhulan Singh, of course, has said that he was assaulted by Ramnath Singh and Ramdas Ahir and does not name the other persons as he could not recognise the others. It is strange to believe that the Supervisor of the CRO labour could not recognise his assailants. Again, in the cross-examination Bhulan Singh has said that he had some money in his pocket which was taken away by the persons who assaulted him, although this is not the allegation in the charge sheet given to the workmen nor was it pursued at any stage. There is another contradiction between the charge sheet and the statement of the management's witnesses. For instance, in the charge sheet it has been mentioned that the accused workmen had formed an unlawful assembly of 50 to 60 persons whereas Bhulan Singh in his cross-examination by Shew Nath Kanu before the Enquiry Officer has said that this assembly consisted of 200 to 250 workmen out of which

he could recognise 3 persons who had assaulted him. Further he has named only two persons in his cross-examination that is, Ramnath Singh and Ramdas Ahir and the name of the third person is not there. Thus, the story that he was assaulted by Ramnath Singh and Ramdas Ahir and others does not appear to be convincing due to a number of facts. First of all Bhulan Singh in his statement before the Enquiry Officer does not say categorically that he was assaulted. Secondly, the number of workmen forming the so called unlawful assembly varies without any cogent explanation and thirdly, Bhulan Singh names specifically only two workmen as assailants whereas identical charge-sheets were issued to 11 workmen and these 11 workmen came to be dismissed later on. Thus, the charge of assault on Bhulan Singh by these 11 workmen has not been substantiated beyond reasonable doubt. It appears that in the confusion that prevailed when the mob was chasing the CRO recruits and assaulting one of the recruits, Bhulan Singh too became a victim of assault by the mob. Beyond this nothing could be established from the version of Bhulan Singh. I find that there were only three witnesses of the management examined before the Enquiry Officer, namely, Bhulan Singh, Manager Singh and Dr. Dey. Bhulan Singh and Manager Singh are the persons who are said to have been assaulted. The story of assault has not been corroborated or proved by any other witnesses except themselves. Therefore, Sri Dasgupta has rightly stressed this point that the evidence of assault has not been stressed, proved or corroborated by any of the witnesses of the management. Dr. Dey's statement is that he gave first aid to Bhulan Singh and Manager Singh in his dispensary. There is nothing in his statement which can go to prove that the injury sustained by these two persons for which first aid was given by Dr. Dey, was caused by assault on them by the workmen in question.

8.6. In the statement given by Manager Singh before the Enquiry Officer there are inconsistencies and contradictions. For instance, Manager Singh has said that it was at about 12 noon on 8.1.71 when he had taken his meal and was going for sleep, when the workmen along with 40 to 50 workmen came in procession to his quarter. Immediately thereafter, he said that it was about 1.30 P.M. when he closed the gate and went to sleep. Confining the statement he further said that 40 to 50 people broke open the gate and came inside his room armed with lathi (Bamboo staff) and started assaulting him; and after 5 or 6 minutes when the plants had gone away that he went to the Agent of the Colliery who sent him in his car to the colliery hospital for first aid. The consistencies are obvious inasmuch as Manager Singh has given various timings of the occurrence before the Enquiry Officer, the number of workmen differs as compared to that given out by Bhulan Singh and the place of receiving the First Aid from the Colliery's Doctor also stands at variance.

8.7. In his cross-examination by Provakar Roy, Manager Singh has said that he could recognise Ramnath Singh, Ramchandra Keot, Ramdas Ahir, Haddish Mia and Ramnaresh Sonar. Tuffani and Ugrasen Singh were also in the crowd. Thus, Bhulan Singh and Manager Singh could recognise only five persons as their assailants. The names of the five persons, as stated by them in course of the Enquiry Proceedings, are Ramnath Singh, Ramchandra Keot, Ramdas Ahir, Haddish Mia and Ramnaresh Sonar. The names of Ramchandra Keot, Ramdas Ahir and Ramnaresh Sonar, do not figure in this arbitration case. As per the Enquiry Officer's Report, their cases have been separated. It is clear that Tuffani and Ugrasen Singh though were present in the crowd did not participate in the assault. There is no explanation on the part of the Enquiry Officer or the management as to how 11 persons have been impleaded in the case when particularly the number of assailants as per the evidence of the witnesses comes to only five. Presuming that the charge sheets were issued to 11 persons who were suspended pending the enquiry, which was in a sense a probing body, by virtue of the evidence on record the Enquiry Officer should have stated that only 5 persons were involved in the assault and should exonerated the remaining 6 workmen. If the motive was to try and prove the remaining 6 workmen (non-assailants) as forming an unlawful assembly then there is no explanation why others who are also stated to have formed the assembly were left out. According to the charge-sheets the total number of persons in the crowd is said to be 50 to 60. The question arises as to how it was declared to be an unlawful assembly and whether the management was

competent to declare the said assembly as unlawful? An assembly of persons can be declared unlawful by a Magistrate or a Court when such assembly is formed in contravention of some prohibitory orders. There is nothing to suggest that Section 144 of Cr. P. C. was promulgated in the colliery area and was in force on 8.1.71. The charge, therefore, against the workmen for forming an unlawful assembly on 8.1.71 remains completely unsubstantiated and hence falls through. Moreover, from the enquiry report it is seen that the Enquiry Officer stated clearly in para 3 of page 14 of the enquiry report that "It was not very essential as to who have actually assaulted and who have not". He has stated that he was concerned in the enquiry as to who formed the riotous crowd. Thus, the charge of assault on Bhulan Singh and Manager Singh having not been proved convincingly by the evidences of the management's witnesses before him the enquiry officer side-tracked the important issue of assault, as mentioned in the charge-sheets and went on to support the charge of riotous behaviour of the workmen. Now we come to face the question as to how the riotous nature of the assembly was determined by the enquiry and how the blame could be placed on 11 workmen only when the said assembly consisted of 50 to 60 workmen. Had it been a simple procession to the office and quarters of the C. R. O. unit supervisor and his clerk demanding an explanation from them for recruiting new labour through a system which had been terminated as far back as on 19-2-70, then it could not be termed as riotous or disorderly behaviour.

8.8. However, as I mentioned earlier at paras 7.1 and 7.2, the crowd was very much agitated over the action of the management in conniving with the local Secretary of the defunct Colliery Mazdoor Sabha of India (CITU), to recruit labour through CRO against the provisions of the agreement dated 19.2.70. From the statement of Bhulan Singh it is clear that on receipt of explanation from him that it was at the instance of Mukhtar Singh (The Union's Secretary) and the Agent of the Colliery that the recruitment had taken place, the workers left the place abusing Mukhtar Singh. It is also clear that Bhulan Singh had also been searching Mukhtar Singh but the latter was not traceable. According to the same statement the workers reappeared after a while before the camp office. This time their number is stated to be 50 to 60. The recruits fled away sighting them. Thereafter, the crowd indulged in violence resulting in injuries to Bhulan Singh and Manager Singh. The fact that these two persons were seriously injured due to the action of the crowd cannot be denied. It remains to be established whether these 11 workmen were or were not present in the crowd. Bhulan Singh has identified Ramnath Singh, Ramdas Ahir who were present in the crowd while Manager Singh has identified Ramnath Singh, Ramchandra Keot, Ramdas Ahir, Haddish Mia, Ramnaresh Sonar, Tuffani Harijan, and Ugrasen Singh. None of the 11 workmen has complained of any past enmity between him and the two CRO employees. All the 11 workmen, in their written reply to the charge-sheet stated that there was some shouting against the CRO employees for having recruited C. R. O. labour, and that they went there to the spot, tried to pacify the crowd etc. But during the domestic enquiry all of them pleaded in alibi. Surprisingly, none of the workmen brought any witness from the place where they were supposed to have gone during the relevant period when the incident occurred. Hence, it is reasonable to come to the conclusion that the later stand of the workmen before the enquiry officer is an after-thought and hence could not be relied upon. Suffice it for me to say that these 11 workmen were not free from the blame that they were also members of the crowd which was responsible for the injuries sustained by Bhulan Singh and Manager Singh.

8.9. Shri Dasgupta has canvassed that Bhulan Singh and Manager Singh were not workmen being not the employees of the Madhujore Colliery. It is not denied by the management that Bhulan Singh and Manager Singh were Unit Supervisor and clerk of the C. R. O. The plain question to be answered is whether they were employees of the colliery or not. The Coal field Recruiting Organisation is a central organisation for recruitment of labour having its Head Office at Gorakhpur in U. P. It recruits labour locally at Gorakhpur and post them to various collieries and mines on demand from the concerned employers. The C. R. O. appoints Unit Supervisors to supervise the arrangement for living accommodation, food etc., etc., for the Gorakhpur labour who stay in camps in the colliery area. A clerk is also given by the Coal Field Recruiting Organisation to assist

the Gorakhpur labour to maintain their accounts in regard to wages earned by them, amount paid to them on the spot as allowances and the allowance sent to their families through postal moneyorders or to the head office of the C.R.O. for disbursement. This unit supervisor and the clerk, are transferred from one place to another by the Executive Officer of the Coal Field Recruiting Organisation. The colliery Manager, Agent or the Owner cannot exercise any authority or control over these unit supervisors or the C.R.O. clerk in matter of their employment, non-employment, conditions of employment, etc. The Owner Manager or the Agent of the colliery are neither the appointing authority nor the dismissing authority in respect of the C.R.O. Officials. They cannot even order the transfer of these persons. I, therefore, hold the view that Bhulan Singh and Manager Singh who were C.R.O. Unit Supervisor and C.R.O. clerk respectively in Madhujore Colliery were not the employees of the colliery. But at the same time, it should not be forgotten that the recruitment of labour through C.R.O. has some rational connection with the employment and conditions of service of the assailants and hence the act of assault by the workmen on the C.R.O. employees cannot be construed as not falling within the ambit of misconduct. Shri Dasgupta has cited the decision of the Supreme Court in these case between Agnani (M.W.) Vs. Badri Das & Others in Civil Appeal No. 881 of 1962 as reported in LLJ-1963-Vol. I, pp. 684-692. In that case, it was a quarrel between the employees of the establishment and the shop-keeper. The shop-keeper was not an employee of the establishment though he was allowed to run the shop for the benefit of the respondent employees. Therefore, the misconduct alleged against the concerned employees did not constitute misconduct within the standing orders of the establishment. However, in the instant case, the assault has a bearing on the employment of the workmen and the conditions of their service since the cause for same involved the employment or non-employment of workmen in the colliery through the C.R.O. and hence the action of workmen in indulging in riotous or disorderly behaviour leading to an assault on the C.R.O. employees can be construed as a misconduct within the purview of the Standing Orders as stated above even though the assault may have taken place outside the premises of the Colliery. In other words, the misconduct can be connected with the terms of employment and conditions of service of the workmen in question and hence come well within the ambit of the Standing Orders. In the circumstances, I hold that the management has not exceeded their powers by instituting an enquiry into the alleged misconduct of the workers in connection with their riotous and disorderly behaviour and assault on the C.R.O. employees.

9.1. It will be seen that while the charge of assault by a group of workmen which included some of the accused also, is not disputed, it has not been established beyond doubt that the 11 workmen who have been dismissed had actually assaulted the C.R.O. employees in question. In view of this, giving the benefit of doubt to the 11 workers, I hold that their dismissal from service with effect from 10.4.1971 is too severe a punishment and not justified in the circumstances. These 11 workmen, namely, Ramnath Singh, Md. Siddique Mia, Sankar Harijan, Balli Harijan, Shew Nath Kanu, Ramchandra Rajbhar, Tuffani Harijan, Sk. Hadish, Provakar Roy, Chabbi Yadav and Ugrasen Singh who have been dismissed from service with effect from 10.4.1971 by the Management of Madhujore Colliery should, therefore, be reinstated within one month from the date of this award without break of service or loss of any attendant benefits other than payment of wages during the period of their absence from duty, treating the absence from 10.4.1971 to the date of their reinstatement as extraordinary leave.

9.2. The normal relief that could be given to the affected workmen along with their reinstatement is back wages. However, in view of their proved involvement in a riotous and disorderly crowd which was responsible for the criminal assault on Bhulan Singh and Manager Singh, the two C.R.O. employees, I am not inclined to extend the benefit of back wages to these 11 workmen and I decide accordingly.

9.3. I give my award as above and the terms of reference are disposed of accordingly.

R. J. T. D'MELLO, Arbitrator & Chief Labour Commissioner
Dated, New Delhi (Central), New Delhi
the 29th September, 1973

[No. L-19025/27/72-I.R.II.]

New Delhi, the 12th October, 1973

S.O. 3017.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government industrial Tribunal, No. 1 Dhanbad, in the industrial dispute between the employers in relation to the management of Selected Fatka Colliery, Post Office Nirshachatti, District Dhanbad and their workmen, which was received by the Central Government on the 4th October, 1973.

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1 DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 18 of 1972

Parties:

Employers in relation to the management of Selected Fatka Colliery, Post Office Nirshachatti. District Dhanbad.

AND
Their Workmen

Present:

Mr. Justice D. D. Seth (Retd.),—Presiding Officer.

Appearances:

For the old Employers:—Shri S. S. Mukhrejee, Advocate.

For the Custodian, Coal Mines Authority:—Shri D. Narsingh, Advocate.

For the Workmen:—Shri S. Das Gupta, Advocate.

State : Bihar

Industry : Coal.

Dhanbad, the 27th September, 1973

AWARD

The present reference arises out of Order No. L/2012/38/72-LRII dated New Delhi, the 15th June, 1972 passed by the Central Government in respect of an Industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows:

"Whether the action of the management of Selected Fatka Colliery, Post Office Nirshachatti, District Dhanbad, in stopping from work Shri Subhash Prasad Sinha, Munshi of the colliery, with effect from the 26th November, 1971, is justified? If not, to what relief is the said workmen entitled?"

2. This reference was listed on several dates but no written statement was filed on behalf of the workmen. On 31st August, 1973 Shri S. Dasgupta who appeared for the workmen stated that he had not been able to trace out the concerned workman and prayed that a last chance be given to him to file a written statement on behalf of the workman. Accordingly, Shri Dasgupta was allowed time till today to file written statement on behalf of the workman and it was also made clear that no further opportunity will be given and if no written statement is filed today, the reference will be decided *ex-parte*.

3. The reference was accordingly listed today when the workman concerned, Shri Subhash Prasad Sinha appeared before the Tribunal and filed an application stating that he has no claim on the colliery concerned and wants to withdraw the reference. He also prayed that his prayer may be accepted by the Tribunal.

4. Under the circumstances and in view of the application filed by the concerned workman, Shri Subhash Prasad Sinha, I give a no dispute award. In view of the no dispute award the workman is not entitled to any relief.

5. Let a copy of this award be forwarded to the Central Government under section 15 of the Industrial Disputes Act, 1947.

D. D. SETH, Presiding Officer.

[No. L-2012/38/72-LR.II.]

KARNAIL SINGH, Dy. Secy.

आवेष

नई दिल्ली, 13 सितम्बर, 1973

का. आ. 3018.—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) के आदेश संख्या का. आ. 1291, तारीख 14 मार्च, 1973 में निम्नीलिखित संशोधन करती है—

उक्त आदेश में “श्री खूबचन्द, मैसर्स डाल्मिया दादरी सीमेंट लिमिटेड, चर्खी दादरी के खदान ठेकेदार” शब्दों, जहाँ कहीं भी वे आते हैं, के स्थान पर डाल्मिया दादरी सीमेंट लि. चर्खी दादरी और श्री खूबचन्द, खदान ठेकेदार” शब्द रखे जाएंगे।

[सं. एल. 29012(4)/73-एल. आर. 4.]

एस. एस. सहस्रनामन, अवर सचिव

ORDER

New Delhi, the 13th September, 1973

S.O. 3018.—In exercise of the powers conferred by sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendment in the order of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) S.O. 1291, dated the 14th March, 1973,—

In the said order for the words “Shri Khub Chand, Quarry Contractor of Messrs Dalmia Dadri Cement Limited, Charkhi Dadri” wherever they occur, the words “Dalmia Dadri Cement Limited, Charkhi Dadri and Shri Khub Chand Quarry Contractor” shall be substituted.

[No. L-29012(4)/73-LR.IV]

New Delhi, the 8th October, 1973

S.O. 3019.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator, in the industrial dispute between Messrs. Goggagursanthaiah and Brothers, Mine Owners, Sandur and their workmen represented by Jambunatha Iron Ore and Red Oxide Mines Workers' Union, Papinayakanahalli which was received by the Central Government on the 29th September, 1973.

AWARD OF SRI D. V. RAMACHANDRAN, ASSISTANT LABOUR COMMISSIONER (CENTRAL), HYDERABAD AND ARBITRATOR

The management of M/s. Goggagurusanthaiah and Bros., Mine Owners, Sandur and the workmen represented by Jambunatha Iron Ore and Red Oxide Mines Workers' Union, Papinayakanahalli entered into an agreement under section 10A of the I.D. Act 1947 on 21-12-1972 and referred the following dispute to my arbitration.

“Whether S/Shri Hanumanthappa and Takappa employed as drillers voluntarily resigned, if so, whether they

are entitled for any relief inclusive or re-instatement or re-employment”.

The said agreement was published in the Part II Section 3 sub-section (ii) of the Gazette of India during the month of January, 1973 vide notification No. L-29013/5/72-LR. IV dated 9th January, 1973 of the Department of Labour and Employment in the Ministry of Labour and Rehabilitation, Government of India, New Delhi.

I called upon the parties to submit their written statements. The management filed their written statements vide their letter dated 8-2-1973 which was received on 12-2-1973. The Union filed their written statements vide their letter dated 5-2-1973 received on 12-2-1973. The management in their written statement represented that the words “if so” mentioned in the specific matters in the dispute were misleading and wanted the words “if not” to be substituted. Hence I asked both the parties to sign a fresh agreement. Meanwhile, I requested the parties to attend the proceedings at Hyderabad on 21-3-1973. Both the parties prayed for postponement. Again they were called to Hyderabad on 28-3-1973. Only the representatives of the management attended on 28-3-1973 but none represented the workmen. However, the proceedings were adjourned. Subsequent dates were given to hear the parties during the months of April, May, and June, 1973 but the same had to be postponed as it was not convenient to the parties. Meanwhile the parties signed a fresh arbitration agreement and the same was sent to the Government for further action. The parties also, extended the time limit for making the Award by Arbitrator upto 30-9-1973, by an agreement in writing. I heard the parties on 28-7-1973 and finally on 24-9-1973 at Bellary. During the hearing on 28-9-1973 Sri A. S. Malebennur represented the workers and argued out his case. None represented the workmen on 24-9-1973.

The facts of the case are as follows:—

Six workmen of Jambunatha Iron Ore and Red Oxide Mines Workers' Union including S/Shri Hanumanthappa and Takappa, the concerned workmen gave a joint representation on 7-8-1972 to the Management through the Mines Manager that they would all resign from their services. They represented that the management should either increase their wages from Rs. 135 per month to 180 per month or else relieve from their services from 31-8-1972. The management informed they would not be in a position to raise their wages and if they wanted to resign, they should individually give letters of resignation. Thereupon, only two workmen, S/Shri Takappa and Hanumanthappa Drillers gave letters of resignation, individually, to the management through Mines Manager who recommended to the management that they may be relieved as requested on 31-8-1972. The other workmen continued in service and did not resign from service. Both the workmen concerned were given Memos by the management dated 22-8-1972, that they would be relieved of their duties on 31-8-1972 after working hours, as per their request and they should hand over all their stores etc. to the Mines Manager and obtain clearance. Accordingly, they handed over their stores and tools on 31-8-1972 and stopped from work from 1st September, 1972. Meanwhile, a union of the workmen by name M/s. Jambunatha Iron and Red Oxide Mines Workers' Union, Papinayakanahalli seems to have been formed with the Presidentship of Sri A. S. Malebennur and they gave a charter of 15 demands of which one demand was re-instatement of the workmen, who had resigned. Ultimately, when a settlement was arrived at on 26-11-1972 between the workmen and the management before ALC(C)/Bellary, it was admitted that all others were continuing in the service of the management excepting S/Shri Takappa, and Hanumanthappa and Rudrappa. The union pressed the cases of Takkappa and Hanumanthappa only. Ultimately the present dispute was referred to my arbitration.

The contention of the union was that the concerned workmen did not really resign and even if they have resigned, the partner had no authority to accept the resignation as the power to accept resignation was only with Mines Manager, as he was the competent authority under the Mines Act, 1952. The union further contended that the Mines Manager's recommending the resignation to be accepted by the partners is illegal in so far as he being

competent authority, has abdicated his responsibility. However, no workmen were examined.

I have examined the contentions of the union and the management in detail and also examined the various documents produced by the management. It is clear from the documents that the workmen concerned had voluntarily resigned. The management/employers is a partnership firm, by name Messrs. Goggagurusanthaiah and Brothers, having Sri G. Basaiah and G. Sarabiah as main partners. These two partners have been exercising all the powers of the owners and Employers and even directly managing the mines exercising ultimate control over the affairs of the firm. Even the Mines Manager is appointed by them. Naturally, without the orders of either of the partners, the Mines Manager even cannot appoint or remove the workmen from their services. Hence, there is no illegality nor any irregularity in one of the partners of the firm accepting the resignation of workmen. It is nowhere laid down that the Mines Manager appointed under the Mines Act should only exercise the powers of an Employer. Hence, I find that the submission of the resignations by the workmen and their acceptance by the management was proper and valid. If workmen had grievance they should have on the receipt of letter dated 22-8-1972 asking them to hand over their tools and get relieved, should have protested and refused to relieve themselves. On the contrary, they left their services voluntarily on and from 1-9-1972.

In view of the above, my finding is that S/Shri Hanumanthappa and Takappa, Drillers voluntarily resigned from their services in mines of M/s. Goggagurusanthaiah and Bros.,

During the arbitration proceedings, I suggested that in order to have harmonious industrial relations, the management may consider re-employing these workmen, if they approach them direct. Sri Hanumanthappa, who was working during this period in some other mines, approached the management for re-employment and he was taken back in services as a fresh entrant with effect from 15-9-1973. The other workman is reported to have not approached the management so far. I, also, find that the workman of their union representatives did not attend the final proceedings, on 24-9-1973, nor prayed for any adjournment.

Having answered the reference positively, I do not find that there is any scope for granting any relief nor there is any case for reinstatement or re-employment when the workmen voluntarily resigned and abandoned their services. As the management has already re-employed Sri Hanumanthappa, there is no scope for any further relief.

Hence I direct that:—

- (i) The management shall continue Sri Hanumanthappa, Driller in services from the date of his re-employment i.e. 15-9-1973.
- (ii) Any wages or bonus due to S/Shri Hanumanthappa and Takappa, if not already paid, till 1-9-1972 should be paid to them or sent through Money Order deducting the commission immediately.

This is my award.

Hyderabad

Dated, 25-9-1973.

D. V. RAMACHANDRAN, Arbitrator

[No. L-29013/5/72-LRIV]

S. S. SAHASRANAMAN, Under Secy.

नई दिल्ली, 8 अक्टूबर, 1973

का. आ. 3020.—कंडला अरजिस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 में और संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथापक्षित उन सभी व्यक्तियों की, जिनका उससे प्रभावित होना संभाव्य है जानकारी

के लिए प्रकाशित किया जाता है और यह सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से दो मास की अवधि पर अथवा उसके पश्चात् विचार किया जाएगा।

उक्त प्रारूप की बाबत किसी व्यक्ति से इस प्रकार विनिर्दिष्ट अवधि की समाप्ति के पूर्व प्राप्त किन्हीं आक्षेपों या सुझावों पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

प्रारूप स्कीम

1. इस स्कीम का नाम कंडला अरजिस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1973 है।

2. कंडला अरजिस्ट्रीकृत डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1968 में, खण्ड 21 के पश्चात् निम्नलिखित खण्ड अन्तः स्थापित किया जाएगा, अर्थात् :—

"21 क. मंहगाई-भरत, मजदूरी और अन्य भत्तों के बकाया.— गठित किए गए किसी बोर्ड या निकाय के किसी अधि-निर्णय या सिफारिश अथवा केन्द्रीय सरकार द्वारा किए गए किसी आदेश के अनुसरण में, मंहगाई भत्ते के पुनरीक्षण अथवा पुनरीक्षित मजदूरी या अन्य भत्ते का भूतलक्षी प्रभाव से अनुवृत्त करने की वृत्ति में बोर्ड, अपनी निधि में से, सूचीबद्ध कर्मकारों को यथास्थिति, अधिनिर्णय या सिफारिश अथवा आदेश की तारीख तक के बकाया, यदि बोर्ड ऐसा विनिश्चित करे, दे सकेगा।"

[फा. सं. एस. 70012/4/73-पी. एण्ड डी.]

New Delhi, the 8th October, 1973

S.O. 3020.—The following draft of a Scheme further to amend the Kandla Unregistered Dock Workers (Regulation of Employment) Scheme, 1968 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after a period of two months from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the expiry of the period so specified will be taken into consideration by the Central Government.

DRAFT SCHEME

1. This Scheme may be called the Kandla Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1973.

2. In the Kandla Unregistered Dock Workers (Regulation of Employment) Scheme, 1968, after clause 21, the following clause shall be inserted, namely:—

21A. Arrears of dearness allowances, wages and other allowances.—In case of any revision of dearness allowance or grant of revised wages or other allowance, with retrospective effect, in pursuance of any award or recommendation of any board or body set up or of any order made by the Central Government, the Board may out of its funds, pay the listed workers, arrears up to the date of the award, or, as the case may be, of the recommendation or order, if the Board so decides".

[File No. S. 70012/4/73-P&D]

आवेश

नई दिल्ली, 10 अक्टूबर, 1973

क्र. आ. 3021.—यतः केन्द्रीय सरकार की राय है कि इससे उपाधुध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स मास्टर लेबर सप्लायर्स, 13 मूरभंज रोड, कलकत्ता-23, से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विध्यमान है ;

और यतः, केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है ;

अतः, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता को न्याय निर्णयन के लिए निर्दिष्ट करती है ।

अनुसूची

"क्या सर्वश्री शंख नानू मियां, मोहम्मद युनस, मोहम्मद मंसूर, मोहम्मद इस्राफिल, अमीरुल्ला और मोबारक द्वा मैसर्स मास्टर लेबर सप्लायर्स के अधीन नियोजक का दावा बंध और न्यायसंगत है ? यदि हाँ तो ये कर्मकार किस अनुसूची के और किस तारीख से हकदार हैं ।

[सं. एल-32012/3/73-पी एंड डी]

ORDER

New Delhi, the 10th October, 1973

S.O. 3021.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs. Master Labour Suppliers, 13, Mourbhanj Road, Calcutta-23, and their workmen in respect of the matters specified in the Schedule hereto annexed:—

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the claim for employment by Sarvashri Sheikh Nanoo Miah, Mohamed Yunus, Mohamed Mansoor, Mohamed Israfi, Amirullah and Mobarak under Messrs. Master Labour Suppliers is legal and just? If so, to what relief are these workmen entitled and from what date?

[No. L-32012/3/73-P&D]

क्र. आ. 3022.—कलकत्ता हाक लिपिकीय और पर्यवेक्षी कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में और संशोधन करने के लिए स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार हाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथा अपेक्षित उन सभी व्यक्तियों की जानकारी के लिए जिनका उससे प्रभावित होना संभाव्य है, प्रकाशित किया जाता है और सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के

राजपत्र में प्रकाशन की तारीख से दो मास की अवधि से अवसान पर या उसके पश्चात विचार किया जाएगा ।

उक्त प्रारूप की बाबत जो आक्षेप या सुझाव किसी व्यक्ति से ऐसी विनिर्दिष्ट अवधि के अवसान के पहले प्राप्त होंगे उन पर केन्द्रीय सरकार विचार करेगी ।

प्रारूप स्कीम

1. इस स्कीम का नाम 'कलकत्ता हाक लिपिकीय और पर्यवेक्षी कर्मकार (नियोजन का विनियमन) द्वितीय संशोधन स्कीम, 1973 है ।

2. कलकत्ता हाक लिपिकीय और पर्यवेक्षी कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में,—

(1) खण्ड 6 के उपखण्ड (1) की मद (घ) में,—

(क)

(ख) "यदि पुनर्विलोकन से प्रकट हो कि ऐसा करना" शब्दों के पश्चात "पूर्वानुमानित अपेक्षाओं के अनुरूप" शब्द अन्तः स्थापित किए जाएंगे ;

(2) खण्ड 15 में,—

(क) उपखण्ड (3) की मद (ख) और (ग) का लोप किया जाएगा ;

(ख) उपखण्ड "(3) (क)" उपखण्ड "(3)" के रूप में पुनः संख्यांकित किया जाएगा ;

(3) खण्ड 27 के उपखण्ड (2) में, मद (क), (ख), (ग), (घ) और (ङ) के स्थान पर निम्नलिखित मदें रखी जाएंगी. अर्थात् :—

(क) नीचे की उपमद (ख) के अधीन जैसा अनुज्ञात है उसके सिवाय सामान्यतः एक कर्मकार को दो कमबर्ती पारियों में नियोजित नहीं किया जाएगा ;

(ख) मासिक रजिस्टर में के मुख्य लिपिक या ज्येष्ठ पर्यवेक्षक से भिन्न किसी कर्मकार को एक सप्ताह में 9 पारियों से या एक मास में 33 पारियों से अधिक में नियोजित नहीं किया जाएगा । मुख्य लिपिकों और ज्येष्ठ पर्यवेक्षकों को, एक दिन में 2 पारियों से अनधिक की बुकिंग, जो विशेष मामलों में, अध्यक्ष या उपाध्यक्ष की लिखित अनुज्ञा से, एक दिन में 3 पारियों तक शिथिलनीय है, की सीमा के अधीन रहते हुए एक मास में 45 पारियों तक बुक किया जा सकेगा ।

(ग) प्रसामान्यतः आरक्षित पूल में के किसी कर्मकार को भी एक सप्ताह में 9 पारियों से या एक मास में 33 पारियों से अधिक में नियोजित नहीं किया जाएगा ।

(घ) विशेष परिस्थितियों में, अध्यक्ष मद (ख) और (ग) के अधीन निर्बन्धनों को आवश्यक सीमा तक अस्थायी रूप से शिथिल कर सकेगा : परन्तु, मासिक कर्मकार के मामले में ऐसा निर्बन्धन आरक्षित पूल में के कर्मकारों द्वारा उपर मद (ग) में दी गई सीमा तक अपने नियोजन को अभिप्राप्त करने के पश्चात ही अनुज्ञात किया जाएगा ।

(ङ) एक दिन में एक पारी से अधिक में काम करने वाले कर्मकार प्रत्येक पारी में काम के लिए

सामान्य दर से मजदूरी के, जिसमें भत्ते भी शामिल हों, हकदार होंगे।”

- (4) खण्ड 30 के स्थान पर निम्नलिखित खण्ड रखा जाएगा.
अर्थात् :—

“30—एक पारी के लिए नियोजन और संवाप :—(1) आरक्षित पूल रजिस्टर में के किसी कर्मकार को एक पारी से काम की अवधि के लिए नियोजित नहीं किया जाएगा और जहां वह काम, जिसके लिए कर्मकार नियोजित किया गया हो, पारी के काम करने के अवधि के दौरान पूरा हो जाए वहां वह कर्मकार शेष पारी के लिए उसी या किसी अन्य जलयान में या बर्थ पर ऐसा अन्य काम ले सकेगा जो उसी नियोजक द्वारा अर्पित हो, और यदि किसी कारणवश वह काम जिसके लिए उस कर्मकार को नियोजित किया गया है प्रारंभ न हो सके तथा उन नियोजकों द्वारा जिनके लिए उसे बुक किया गया था, उसके लिए किसी अनुकल्पी काम की व्यवस्था न की जा सके तो वह आरक्षित पूल में वापस चला जाएगा और किसी अन्य नियोजन को स्वीकार करेगा जो प्रशासनिक निकाय उसे आर्बिट्र करे।

- (2) उपखण्ड (1) के उपबंधों के अधीन रहते हुए, जब कभी आरक्षित पूल में के किसी कर्मकार को पारी के शुरू होने से ठीक पहले काम के लिए बुक किया जाता है और वह उस पारी पर या काम के स्थल पर जिसके लिए उसे बुक किया गया था, काम के लिए हाजिर होता है, तो वह पूरी मजदूरी के लिए, जिसमें उसके प्रवर्ग के लिए समुचित भत्ते भी शामिल हैं, हकदार होगा, चाहे जिस काम के लिए वह हाजिर हुआ था वह काम प्रारंभ न हो सका हो या आगे न चल सका हो तथा उस कर्मकार को कोई अनुकल्पी काम भी न दिया जा सका हो।”

- (5) खण्ड 31 का लोप कर दिया जाएगा ,

- (6) खण्ड 32 में “प्रत्येक रजिस्ट्रीकृत डॉक लिपिकीय और पर्यवेक्षी कर्मकार वर्ष में 9 दिन के वेतन सहित अवकाश का हकदार होगा” शब्दों के स्थान पर “प्रसामान्यतः प्रत्येक रजिस्ट्रीकृत डॉक लिपिकीय और पर्यवेक्षी कर्मकार वर्ष में 8 दिन के वेतन सहित अवकाश का हकदार होगा” शब्द रखे जाएंगे,

- (7) खण्ड 34 के उपखण्ड (4) की मद् (ख) में “अध्यक्ष” शब्द के स्थान पर “बोर्ड” शब्द रखा जाएगा।

[फा. सं. 5-12011/5/72-सी. एण्ड. डी.]

of the period so specified will be taken into consideration by the Central Government.

DRAFT SCHEME

1. This Scheme may be called the Calcutta Dock Clerical and Supervisory Workers (Regulation of Employment) second amendment Scheme, 1973.

2. In the Calcutta Dock Clerical and Supervisory Workers (Regulation of Employment) Scheme, 1970,—

- (1) In sub-clause (1) of clause 6, in item (d)

(a) for the words “increase or reduction”, the words “increase or decrease” shall be substituted;

(b) after the words “review warrants the same”, the words “in keeping with the anticipated requirements” and “shall be inserted;

- (2) In clause 15—

(a) items (b) and (c) of sub-clause (3) shall be omitted;

(b) sub-clause “(3)(a)” shall be re-numbered as clause “(3)”;

- (3) in sub-clause (2) of clause 27, for items (a), (b), (c), (d) and (e), the following items shall be substituted, namely :—

“(a) A worker shall not ordinarily be employed in more than 2 consecutive shifts except as permitted under sub-item (b) below;

(b) A worker other than a Chief Clerk or a Senior Supervisor in the monthly Register shall not be employed for more than 9 shifts in a week or 33 shifts in a month. The Chief Clerks and Senior Supervisors may be booked upto 45 shifts in a month subject to a limitation of booking of not more than 2 shifts in a day, relaxable in special cases to 3 shifts in a day, with prior written permission of the Chairman or the Deputy Chairman.

(c) Normally a worker in the Reserve Pool shall also not be employed for more than 9 shifts in a week or 33 shifts in a month.

(d) In special circumstances, the Chairman may relax temporarily the restrictions under items (b) and (c) to the extent necessary; provided that such relaxation in the case of a monthly workers shall only be allowed after the Reserve Pool workers had attained their employment level as in (c) above.

(e) Workers working more than one shift in a day shall be entitled to the normal rate of wages inclusive of allowances for work in each shift;”

- (4) for clause 30, the following clause shall be substituted, namely :—

“30 Employment for a shift and payments :

(1) No worker in the Reserve Pool register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of a shift, he shall undertake such other work in the same or any other vessel or berth as may be required by the same employer for the remainder of the shift; and where to work for which a worker has been engaged cannot commence for any reason and no alternative job can be provided for him by the employers for whom he had been booked, he shall then revert to the reserve pool and shall accept any other employment that the Administrative Body may allocated to him.

(2) Subject to the provisions of sub-clause (1), whenever a workers in the reserve pool is booked for work immediately prior to the start of the shift and he presents himself for work on the ship or point of work to which he had been booked, he

S.O. 3022.—The following draft of a Scheme further to amend the Calcutta Dock Clerical and Supervisory Workers (Regulation of Employment) Scheme, 1970 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby ; and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of two months from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the expiry

shall be entitled to full wages inclusive of allowances appropriate to his category, even though the work for which he had attended cannot commence or proceed and no alternative work can be found for him."

(5) clause 31 shall be omitted;

(6) in clause 32—for the words "Supervisory worker shall be entitled", the words "Supervisory worker shall normally be entitled" shall be substituted;

(7) in item (b) of sub-clause (4) of clause 34 for the word "Chairman" the word "Board" shall be substituted.

[File No. V. 12011/5/72-P&D]

आदेश

नई दिल्ली, 12 अक्टूबर, 1973

का. आ. 3023.—यतः केन्द्रीय सरकार की राय है कि इस से उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स इब्राहिम भूसा सर्विसेज कम्पनी, मुम्बई के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है।

और यतः, केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निवेदिशत करना वांछनीय समझती है।

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण 2, मुम्बई को न्यायनिर्णयन के लिए निवेदिशत करती है।

"क्या मैसर्स इब्राहिम भूसा सर्विसेज कम्पनी 65, पी. डी. मेल्लो रोड, मुम्बई-9 से राष्ट्रीय डॉक और साधारण कर्मकार संघ, 35, सागर विहार 89, पी. डी. मेल्लो रोड मुम्बई-9 की निम्नीलिखित मांगें न्यायोचित हैं और यदि हां, तो कर्मकार किस अनुपात के हकदार हैं ?

1. चौकीदारों को मजदूरी, केन्द्रीय पत्तन और डाक कर्मकार मजदूरी बोर्ड की सिफारिशों के अनुसार दी जानी चाहिए और यदि यह निर्णय किया जाता है कि केन्द्रीय पत्तन और डॉक कर्मकार मजदूरी बोर्ड की सिफारिशें इन चौकीदारों को लागू नहीं होती हैं तो क्या मुम्बई पत्तन न्यास द्वारा नियोजित चौकीदारों के लिए केन्द्रीय पत्तन और डॉक कर्मकार मजदूरी बोर्ड द्वारा सिफारिश की गई मजदूरी इन चौकीदारों को लागू की जानी चाहिए और यदि हां, तो किस तारीख से,

2. चौकीदारों को लेखा-वर्ष 1971-72 की कुल मजदूरी का बीस प्रतिशत बोनस दिया जाना चाहिए,

3. चौकीदारों को 240 दिन के प्रत्येक संपूर्ण वर्ष के लिए 18 दिन की सवेतन बीमारी की छुट्टी और 14 दिन की सवेतन आकस्मिक छुट्टी मंजूर की जानी चाहिए,

4. सभी चौकीदारों को कम्पनी के खर्च पर प्रति वर्ष दो जोड़े वीटियों के दिए जाने चाहिए और उन्हें प्रत्येक दो वर्ष में एक जोड़ा खड़े के जूते और एक बरसाती की जानी चाहिए।

[सं. एल-31011/4/72-पी. एण्ड डी.]

वी. संकरालिंगम, अधर सचिव

ORDER

New Delhi, the 12th October, 1973

S.O. 3023.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Ebrahim Moosa Services, Company, Bombay, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal-2, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether, the following demands made by the National Dock & General Workers Union, 35, Sagar Vihar, 89, P. D'Mello Road, Bombay-9, against Messrs Ebrahim Moosa Services Company, 65, P. D'Mello Road, Bombay-9, are justified and if so, to what relief are the workmen entitled:—

1. The watchmen should be paid wages as per the recommendations of the Central Wage Board for Port and Dock Workers and in case it is held that the recommendations of the Central Wage Board for Port and Dock Workers are not applicable to these watchmen, then, whether the wages recommended by the Central Wage Board for Port and Dock Workers for the watchmen employed by the Bombay Port Trust should be made applicable to these watchmen and if so, from what date;
2. The watchmen should be paid bonus at 20 per cent of the total wages for the accounting year 1971-72;
3. The watchmen should be granted 16 days' paid sick leave, 14 days' paid casual leave for every completed year of 240 days.
4. All watchmen should be issued two pairs of uniforms each year and supplied with a pair of gumboots and one raincoat in every two years at company's cost.

[No. L-31011/4/72-P&D.]

New Delhi, the 15th October, 1973

S.O. 3024.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Ahmedabad, in the industrial dispute between the employers in relation to the management of Messrs Mascot Marine Works, Chipping and Painting Contractors at Kandla Port, Kandla and their workmen.

BEFORE SHRI INDRAJIT G. THAKORE, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL AT AHMEDABAD

Reference (ITC) No. 3 of 1971

BETWEEN

The Management of Messrs. Mascot Marine Works, Chipping and Painting Contractors at Kandla Port, Kandla,

AND

Their Workmen

In the matter of demand for reinstatement of Shri G. S. Rathod, Clerk-cum-Supervisor, and the claim for arrears of pay, etc.

Appearances

Shri R. V. Dagli with Shri P. S. Patel, Advocate—for the Company.

Shri V. Premchand—for the Workmen.

AWARD

This industrial dispute between the employers in relation to the Management of Messrs. Mascot Marine Works, Chipping and Painting Contractors at Kandla, and their workmen, in respect of the matters specified in the schedule has been referred to me for adjudication as Industrial Tribunal under Section 10 of the Industrial Disputes Act, 1947, by the Government of India by their Order of the Ministry of Labour and Rehabilitation, Department of Labour and Employment No. L. 37011/2/71-P&D, dated the 27th August, 1971. The dispute relates to a single demand which is as follows:—

“Whether the demands of the Transport and Dock Workers' Union, New Kandla about reinstatement of Shri G. S. Rathod, Clerk-cum-Supervisor, in the services of Messrs. Mascot Marine Works, Chipping and Painting Contractors at Kandla Port, and the claim for arrears of pay arising out of the recommendations of the Central Wage Board for Port & Dock Workers, are justified? If so, to what specific relief is the workman entitled and from what date?”

This matter was fixed for hearing on numerous occasions and heard by me for considerable time. Thereafter, the parties have stated that as the matter is amicably settled out of Court they do not want to proceed with the same. A copy of the settlement is annexed hereto and marked Annexure 'A'.

As the parties do not desire to proceed with this reference, the matter stands disposed of.

INDRAJIT G. THAKORE, Presiding Officer,

Ahmedabad, 31st July, 1973.

ANNEXURE A

Mr. G. S. Rathod
Vs.

M/s. Mascot Marine Works.

The case has been settled mutually, and Mr. Rathod has got Rs. 4,000/- as stated below:—

Rs. 2,000.00 has been paid to Mr. M. P. Joshi of the Union on behalf of Mr. Rathod.

Rs. 2,000.00 by cheque on Dena Bank, Khar, Bombay bearing No. 322218.

Total Rs. 4,000.00 received by the Party.

2. The party agrees that they have no claim and they do not want to continue in the services.

3. The expenses of the both the parties are paid by the respective parties; and the case is requested to be closed.

[No. L-37011/2/71-P&D]

V. SANKARALINGAM, Under Secy.

नई दिल्ली, 9 अक्टूबर, 1973

का. आ. 3025.—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का. आ. 811 दिनांक 24 जनवरी, 1972 का विखण्डित करती है।

[सं. ए-35017/1/73-एम.-1.]

पी. आर. नयार, अवर सचिव

New Delhi, the 9th October, 1973

S.O. 3025.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government rescinds the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 511 dated the 24th January, 1972.

[No. A. 35017/1/73-M.I.]

P. R. NAYAR, Under Secy

आर्षा

नई दिल्ली, 12 सितम्बर, 1973

का. आ. 3026.—यसः केंद्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में बेलगांव बैंक लिमिटेड से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है,

और यसः केंद्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्विशिष्ट करना वांछनीय समझती है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक, अधिकरण... (सं. 2) मुम्बई... को न्यायनिर्णयन के लिए निर्विशिष्ट करती है।

अनुसूची

“क्या बेलगांव बैंक लिमिटेड, बेलगांव के प्रबंधक की श्री बी. आर. देशपांडे को 13 फरवरी, 1973 से बैंक की सेवा से पदच्युत करने की कार्यवाही न्यायोचित है? यदि नहीं, तो वह किस अनुतोष का हकदार है?”

[सं. एल. 12012/88/73-एल. आर. 3]

ORDER

New Delhi, the 12th September, 1973

S.O. 3026.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Belgaum Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, (No. 2), Bombay constituted under section 7A of the said Act.

SCHEDULE

“Whether the action of the management of Belgaum Bank Limited, Belgaum in dismissing Shri V. R. Deshpande from the Bank's service with effect from the 13th February, 1973 is justified? If not, to what relief is he entitled?”

[No. L. 12012/88/73-LR.III.]

आवेष

नई दिल्ली, 13 सितम्बर, 1973

का. आ. 3027.—यतः केन्द्रीय सरकार की राय है कि इससे उपायबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में इलाहाबाद बैंक से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है,

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिरणयन के लिए निर्दिष्ट करना वांछनीय समझती है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री एच. जे. नकवी होंगे जिनका मुख्यालय कानपुर होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिरणयन के लिए निर्दिष्ट करती है।

अनुसूची

“क्या इलाहाबाद बैंक के प्रबंधन की, श्री राजनारायण शुकल, चपरासी, माल रोड, शाखा, कानपुर को दफ्तरी का विशेष भत्ता जनवरी, 1970 से न देने की कार्रवाई न्यायोचित है? यदि नहीं, तो वह किस अनुतोष का हकदार है?”

[सं. एल. 12012/70/73-एल. आर. 3]

के. एम. त्रिपाठी, अवर सचिव

ORDER

New Delhi, the 13th September, 1973

S.O. 3027.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Allahabad Bank and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri S.H.J. Naqvi shall be the Presiding Officer, with headquarters at Kanpur, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of Allahabad Bank is not allowing special allowance of Daftri to Shri Raj Narain Shukla, Peon, Mall Road Branch, Kanpur from January, 1970 is justified? If not, to what relief is he entitled?”

[No. L. 12012/70/73/LR.III.]

K. M. TRIPATHI, Under Secy.

नई दिल्ली, 10 अक्टूबर, 1973

का. आ. 3028.—लॉह अयस्क खान श्रमिक कल्याण उपकर नियम, 1963 के नियम 3 और नियम 4 के उपनियम (1) के साथ पीठ लॉह अयस्क खान श्रमिक कल्याण उपकर अधिनियम, 1961 (1961 का 58) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के श्रम और

पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का. आ. 495, तारीख 5 फरवरी, 1973 में निम्नीलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में क्रम संख्या 3 और 8 और उनसे संबंधित प्रावधानों के स्थान पर क्रमशः निम्नीलिखित रखे जाएंगे :—

“3. श्री मंकूराम सोडि सदस्य, विधान सभा
सदस्य, विधान सभा,
मध्य प्रदेश,
गांव कोंडागांव,
जिला बस्तर।

8. श्रीमती शामलता शुकला, महिला प्रतिनिधि
कुमैन सोसल वेलफेयर वर्कर
मध्य प्रदेश।”

[फा. सं. यू. 19012/9/71-एम. 4]

बी. के. सक्सेना, अवर सचिव

New Delhi, the 10th October, 1973

S.O. 3028.—In exercise of the powers conferred by section 4 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961), read with rule 3 and sub-rule (1) of rule 4 of the Iron Ore Mines Labour Welfare Cess Rules, 1963, the Central Government, hereby, makes the following amendment in the notification of the Government of India, in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 495, dated the 5th February, 1973, namely :—

In the said notification for serial numbers 3 and 8 and the entries relating thereto, the following shall respectively be substituted:

Member of the Legislative Assembly

“3. Shri Mankooram Sodi, Member of the Legislative Assembly, Madhya Pradesh, Village, Kondagaon, District Bastar.

Woman representative

8. Shrimati Shamlata Shukla, Woman Social Welfare Worker Madhya Pradesh.”

[F. No. U. 19012/9/71-M.IV.]

B. K. SAKSENA, Under Secy.

नई दिल्ली, 10 अक्टूबर, 1973

का. आ. 3029.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का. आ. 3921, तारीख 20 सितम्बर, 1971 के अनुसार में, केन्द्रीय सरकार केन्द्रीय सड़क-अनुसंधान संस्थान, नई दिल्ली को उक्त अधिनियम के प्रवर्तन से 23 अक्टूबर, 1972 से 22 अक्टूबर, 1973 तक, जिसमें यह दिन भी सम्मिलित है एक वर्ष की और अवधि के लिए छूट देती है।

[सं. एस-38014(48)/73-एचआई]

New Delhi, the 10th October, 1973

S.O. 3029.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 3921, dated the 20th September, 1971, the Central Government hereby exempts the Central Road Research Institute, New Delhi from the operation of the said Act for a further period of one year with effect from the 23rd October, 1972 upto and inclusive of the 22nd October, 1973.

[No. S-38014(48)/73-HL.]

नई दिल्ली, 10 अक्टूबर, 1973

का. आ. 3030.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं. का. आ. 81, तारीख 6 दिसम्बर,

1971 के क्रम में केन्द्रीय सरकार केन्द्रीय भवन-निर्माण अनुसंधान संस्थान, रूड़की को उक्त अधिनियम के प्रवर्तन से 8 दिसम्बर, 1972 से 5 दिसम्बर, 1973 तक, जिसमें यह दिन भी सम्मिलित हैं, एक वर्ष की और अवधि के लिए छूट देती हैं।

[सं. एस-38017(4)/73-स्व आई]

टी. के. रामाचन्द्रन, अवर सचिव

S.O. 3030.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 81, dated the 6th December, 1971, the Central Government hereby exempts the Central Building Research Institute, Roorkee from the operation of the said Act for a further period of one year with effect from the 6th December, 1972 upto and inclusive of the 5th December, 1973.

[No. S-38017(4)/73-HL.]

T. K. RAMACHANDRAN, Under Secy.

